

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JAMES DAVIS,)
Petitioner,) 2:06cv1508
v.) Electronic Filing
SUPT. HARRY E. WILSON, et al.,)
Respondents.)
)
)
)
)
)

MEMORANDUM ORDER

James Davis's Petition for Writ of Habeas Corpus was received by the Clerk of Court on November 14, 2006, and was referred to United States Magistrate Judge Francis X. Caiazza for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation, filed on December 3, 2007, recommended that the Petition for Writ of Habeas Corpus filed by Petitioner Davis be dismissed and that a certificate of appealability be denied. The parties were allowed ten days from the date of service to file objections. Service was made on the Petitioner by First Class United States Mail delivered to his place of incarceration, the State Correctional Institution at Fayette, located in Labelle, Pennsylvania. Objections were due on or before December 20, 2007, but none have been filed.

After de novo review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 11th day of January, 2008,

IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus filed by James Davis is dismissed and a Certificate of Appealability is denied.

The Report and Recommendation of Magistrate Judge Caiazza, (Doc. 11), dated December 3, 2007, is adopted as the opinion of the court.

D. Cercone

David Stewart Cercone
United States District Judge

cc: JAMES DAVIS FF-0185
SCI Fayette
Box 999
LaBelle, PA 15450-0999

Nancy D. Vernon, Esquire
Office of Fayette County District Attorney
61 East Main Street
Fayette County Courthouse
Uniontown, PA 15401